

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on June 15, 2005, the Examiner rejected claims 1 and 3-34.

Objections under 35 U.S.C. § 112

In the Office Action, the Examiner rejected to claims 22-25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claims 22-25 further define the “load” element cited in claim 1. A “golf bag”, “backpack”, “camping equipment”, and “luggage” are all specific types of loads which have specific inherent well-known structural limitations. For example, a golf bag may be a substantially cylindrical bag capable of holding golf clubs. For at least this reason, Applicants request the rejection of claims 22-25 be withdrawn.

Rejections under 35 U.S.C. § 102

A. Sheppard ‘093

The Examiner rejected claims 1, 3-5, 9, 11-21, 26 and 28-34 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,645,093 to Sheppard. Applicants respectfully traverse.

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

“... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.”

Claim 1 includes the limitation, “an opposing arm coupled to said supporting rib, wherein said **opposing arm is substantially differently shaped than the stabilizing arm**”. The stabilizing arm 15a and opposing arm 15b in Sheppard ‘093 are **substantially similarly shaped**. Figure 1 illustrates a slightly differently angled attachment member on stabilizing arm 15a, this does not result in a substantially differently shaped stabilizing arm. A stabilizing arm provides stabilization for a load. “A stabilizing arm may extend from one end of the central rib to stabilize the load anteriorly over a shoulder of a user”. Specification, page 5, lines 11-12. An attachment member merely attaches the stabilizing arm to the remainder of the system. The actual stabilizing arm portions of the system taught in Sheppard ‘093 are identical to one another. Therefore, this limitation is not anticipated by Sheppard ‘093.

Claim 13 includes the limitation, “wherein said support strap assembly comprises at least one **dorsal strap** attached to said central rib and at least one anterior strap attached to at least one of said stabilizing arm and said opposing arm”. The specification defines these terms, “A dorsal support strap 30 preferably attaches to a load 34 near or about its mid-section”. Specification page 15, lines 3-4. The strap 15c in Sheppard ‘093 does not attach near the mid section of a load. The only load of the system in Sheppard ‘093 is the system itself and therefore, strap 15c attaches at the bottom and not the mid section. Therefore, strap 15c is not a dorsal strap and Sheppard ‘093 does not anticipate this limitation.

Claim 14 includes the limitation “wherein said at least one anterior strap is attached to said opposing arm and wherein said **opposing arm has a length longer than a length corresponding to said stabilizing arm**, such that said load may be distributed substantially diagonally over a surface area of said user”. The actual stabilizing portions of the stabilizing arm 15a and opposing arm 15b are identical and therefore do not anticipate this limitation.

Claim 19 includes the limitation, “an opposing arm extending from said central rib, wherein said **opposing arm is substantially differently shaped than the stabilizing arm**”. As discussed above, the stabilizing arm 15a and opposing arm 15b taught in Sheppard ‘093 are identical and therefore this limitation is not anticipated.

Claim 31 includes the limitation, “...wherein said opposing arm has a length longer than a length corresponding to said stabilizing arm”. As discussed above, this limitation is not anticipated by Sheppard ‘093.

Claim 32 includes the limitation, “wherein the substantially rigid shoulder frame includes two differently shaped should support members”. As discussed above, this limitation is not anticipated by Sheppard ‘093.

Claims 3-5, 9, 11-12, 15-18, 20-21, 26, 28-30, and 33-34 are dependent from one of the claims discussed above and are therefore allowable for at least the same reasons. If the Examiner maintains these rejections, Applicants request that the Examiner provide a detailed response to these arguments illustrating how Sheppard ‘093 teaches the specified limitations.

B. Lee

In the Office Action, the Examiner rejected claims 1, 3-7, 9-11, 15, 16, 19-21, 27 and 28 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,963,904 to Lee. Applicants respectfully traverse.

Claims 1 and 19 have been amended to further define how the “central rib” distributes the weight over **the back of a user**. Support for this limitation can be found in the following statement in the specification, “Accordingly, the central rib is substantially planar such that the central rib may be supported and balanced along the upper back of a user.”. Specification, page

5, lines 9-10. The central rib 52 in Lee does not distribute weight over the back of a user and therefore fails to anticipate this limitation.

Claims 3-7, 9-11, 15-16, 20-21, 27, and 28 are dependent from one of claim 1 or 19 and are therefore allowable for at least the same reasons.

C. Sheppard '705

The Examiner also rejected claims 1, 3-11, 15, 19-21, 27, 28 and 32 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,746,705 to Sheppard. Applicants respectfully traverse.

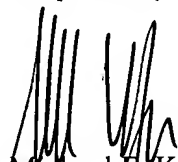
Claims 1 and 19 have been amended to further define how the “central rib” distributes the weight over the **back of a user**. The central rib 3 taught in Sheppard '705 is positioned on the chest of a user as illustrated and therefore fails to anticipate this limitation.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,



Michael F. Krieger
Attorney for Applicants
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893

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